

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES REED HARRIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C06-5153FDB

ORDER REFERRING SECOND OR  
SUCCESSIVE PETITION TO THE  
NINTH CIRCUIT COURT OF  
APPEALS

Before the court is the petition of James Reed Harris for authorization to file a second or successive motion under 28 U.S.C. § 2255. The filing of a second or successive 2255 motion absent certification from the Ninth Circuit Court of Appeals is prohibited. 28 U.S.C. § 2244 (b)(3)(A). Petitioner has failed to receive authorization for such filing. Pursuant to Ninth Circuit Rule 22-3(a), a second or successive petition or motion mistakenly submitted to the district court shall be referred to the court of appeals.

ACCORDINGLY,

IT IS ORDERED:

- (1) The petition to file a second or successive petition is transferred to the Ninth Circuit Court of Appeals; and

1 (2) The clerk is directed to send copies of this Order to Petitioner, counsel for  
2 Respondent, and to administratively close this file.

3 DATED this 4th day of April, 2006.

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6 FRANKLIN D. BURGESS  
7 UNITED STATES DISTRICT JUDGE  
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